IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FIRST DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

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WRIT PETITION NO : 17757 of 2004

Between:

1 Vemmedishetty Veera Venkateshwar Rao, S/o. Sri Lakshmana Swamy, Malaparajugudem Gram Panchayat, Post Utukoor, Bantumalli Mandal, Krishna District.
2 Dosanapudi Deshkar Rao, S/o. Ganapathi Rao, R/o. Post Utukoor, Bantumalli Mandal, Krishna District.

..... PETITIONER(S)

AND

1 The Government of Andhra Pradesh, Rep. by its District Collector, Krishna District at Machilipatnam.
2 The Revenue Divisional Officer, Bantumalli Mandal, Krishna District.
3 The Mandal Revenue Officer, Bantumalli Mandal, Krishna District.
4 Malleparajagudem Gram Panchayat, Rep. by its Sarpanch, Malleparajagudem, Bantumalli Mandal, Krishna District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order direction or Writ particularly one in the nature of Writ of Mandamus or any other appropriate Writ (i) directing the respondents 1,2 and 3 to cause a survey of the lands belonging to the Gram Panchayat including the land of the Papaguntacheruvu admeasuring Ac.30.1 cents and restore the same to the GramPanchayat (ii) declare the action of the respondents 2 and 3 in interfering with the activities of the Gram Panchayat with regard to lands belonging to Gram

Panchayat as illegal and contrary to the provisions of the Gram Panchayat Act and (iii) consequently direct the respondents 2 and 3 not to interfere with the activities of the Gram Panchayat with regard to lands belonging to Gram Panchayat.

Counsel for the Petitioner:MR.G.VIDYASAGAR

Counsel for the Respondent Nos.1 to 3: GP FOR REVENUE

Counsel for the Respondent No.4: MR. D.SRINIVAS, Standing Counsels

The Court at the stage of admission made the following ORDER:

First petitioner is the elected Vice-President of the fourth respondent Gram Panchayat and second petitioner is a resident of Malleparajagudem Village. They filed the present writ petition stating that certain farmers adjoining the bank bed of Papagunta Cheruvu, which was desilted through the “food for work” programme, have spoiled the channel and obstructed the passage of the water through the said channel on 25-08-2004 and

28-04-2004, for which, the Secretary of the fourth respondent Gram Panchayat lodged a complaint with the police and the Sarpanch of the fourth respondent Gram Panchayat addressed a letter to the third respondent-Mandal Revenue Officer, Bantumalli, on 26-07-2004 and also to the second respondent-Revenue Divisional Officer, Bantumalli Mandal, on 04-08-2004 to take action against the illegal encroachments and for restoration of the irrigation channel. So far, the second and third respondents have not taken any action in the matter. Hence, the present writ petition.

Having regard to the fact that the fourth respondent already addressed a letter to the revenue officials for restoration of the channel, it is for the second respondent to consider the said letter and take action after due inspection, if necessary.

In view of the same, the second respondent is directed to look into the letters addressed by the fourth respondent Gram Panchayat and take appropriate action within a period of six weeks and intimate the action taken to the petitioners herein.

The writ petition is accordingly disposed of. No costs.

1st OCTOBER, 2004.

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To

1 The District Collector, Government of Andhra Pradesh,
Krishna District at Machilipatnam.
2 The Revenue Divisional Officer, Bantumalli Mandal, Krishna District.
3 The Mandal Revenue Officer, Bantumalli Mandal, Krishna District.
4 The Sarpanch, Malleparajagudem Gram Panchayat, Malleparajagudem,
Bantumalli Mandal, Krishna District.

5 Two CCs to the Government Pleader for Revenue, A.P.High Court Buildings, Hyderabad. (OUT)

6 Two CD copies.